IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO : 1108 of 2005

Between:

Mrs.G.Usha D/o.G.Subrahmanyam, aged 48 years,
Syndicate Bank, Golconda, Branch, Hyderabad

and r/o.2-71, Green farm, Gandhamguda, Hyderabad.

..... PETITIONER

AND

1. The Chief Manager, Syndicate Bank

Industrial relations Department,
P.B.No.1, Head office, Manipal.
2. The Dy.General Manager, Syndicate Bank

and Disciplinary Authority, Industrial Relation Cell,

6.3.653, Pionee House, Regional Office, Somajiguda, Hyderabad.
3. B.Viswanatham Enquiry Officer Syndicate Bank,

Industrial relations, Cell,6-3-653, Pioneer House,

Somajiguda, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in non furnishing of the relevant documents including statement of the investigation officer, without giving any opportunity to the petitioner to submit explanation to the charge sheet thereafter conducting concluding

entire enquiry proceedings *ex-parte* issuing show cause notice bearing Ref.No.4/ROCH/CGS/2004 13 (W) Dt.4.1.2005 passed by the 2nd respondent proposing punishment of dismissing the petitioner from service of the bank is illegal, arbitrary mala fide, violation of Art. 14,16 21 of the constitution of India as well as provisions of the Bipartite settlement consequently direct the respondent to furnish all the relevant documents including statement of the investigation officer by giving opportunity to the petitioner to submit explanation to the charge sheet including participation and contest the enquiry proceedings.

Counsel for the Petitioner: MR.S.SRINIVASA SHARMA

Counsel for the Respondents 1 and 2: MR.A.KRISHNAM RAJU

Counsel for the Respondent No.3: None appeared.

The Court at the admission stage made the following:

ORDER:

For not giving any opportunity to the petitioner to submit her explanation to the charge sheet and thereafter concluding the enquiry proceedings and thereafter issuing the show cause notice bearing Ref.No.4/ROCH/CGS/2004 13(W),dt.04.01.2005 passed by the second respondent, the present Writ Petition is filed.

The learned counsel for the petitioner contended that some documents have not been given and no opportunity was given to the petitioner to participate in the enquiry and therefore the impugned proceedings suffers from legal infirmity.

The learned counsel for the respondents contended that it is a show cause notice proposing to impose punishment and the defences can as well be taken in the explanation and after giving reasonable opportunity only, the enquiry was conducted.

The show cause notice dated 04.01.2005 is under challenge. Normally, this Court will not interfere with the show cause notice issued proposing to impose punishment unless the authority who issued the show cause notice has no jurisdiction at all or the principles of natural justice have been violated. Though it is contended that it is an *ex parte* enquiry, as seen from the show cause notice, it is clear that sufficient reasonable opportunity was given to the petitioner, but, the petitioner failed to attend the enquiry and therefore, the enquiry proceedings were held *ex parte* and the enquiry officer submitted his report to the Disciplinary Authority. The Disciplinary Authority having accepted the enquiry officer's report, issued show cause notice to the petitioner. So, the impugned order does not suffer from any legal infirmity so as to warrant interference of this Court. The authority who issued the show cause notice is not under challenge. The contentions raised by the learned counsel for the petitioner in this Writ Petition are left open so as to put forward the same by way of explanation to the show cause notice before the respondents and thereafter the matter has to be considered by the disciplinary authority in accordance with law.

Any observation made shall not have effect or binding on the disciplinary authority. The findings if any are made only for the purpose of disposal of the Writ Petition. Uninfluenced by any observations, the disciplinary authority shall pass appropriate orders.

Since, the time for giving explanation has been expired, it is just and proper to

give some more time to the petitioner for submitting the same. If the disciplinary authority has not passed any order as on today, the petitioner is permitted to submit his explanation within a period of two weeks from the date of receipt of a copy of this order and thereafter appropriate orders have to be passed.

With the above observations, the Writ Petition is disposed of. No costs.

_____

K.C. BHANU,J

Dated:31.01.2005,

CCM

To:

1. The Chief Manager, Syndicate Bank Industrial relations Department,
   P.B.No.1, Head office, Manipal.
2. The Dy.General Manager, Syndicate Bank and Disciplinary Authority,

Industrial Relation Cell, 6.3.653, Pionee House, Regional Office,

Somajiguda, Hyderabad.

3. 2 CD copies.